

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SAFECO INSURANCE COMPANY OF  
AMERICA,

Plaintiff,

v.

RAISCH COMPANY, a California  
CORPORATION, and DOUGLAS RAISCH, an  
individual,

Defendants.

Case No.: C 11-05332 PSG

**ORDER CHARGING DEFENDANT'S  
PARTNERSHIP INTEREST**

On November 27, 2012, the court granted the parties' stipulation for entry of judgment against Defendants Raisch Company and Douglas Raisch (collectively, "Defendants") in the amount of \$298,329.81. On January 16, 2013, Plaintiff Safeco Insurance Company of America ("Safeco") moved for entry of a charging order against non-party partnership AG Raisch, B A Raisch, D E Raisch, D KL dba R&R Farms ("R&R Farms") located at 15581 Toyon Dr., Los Gatos, CA 95030. Third-party Raisch Investment Group, Ltd. ("RIG") filed a non-opposition but noted that it holds a senior judgment against Defendants and a charging order against R&R Farms. On March 5, 2013, Safeco and RIG appeared for hearing, but Defendants did not appear. Having considered the papers and arguments of counsel, the motion is GRANTED.

1 Taken together, California Code of Civil Procedure § 708.310-708.320 and Corporations  
 2 Code § 16504 allow the court to impose a charging order against the judgment debtor's  
 3 transferable partnership interest to satisfy any outstanding judgment against the debtor partner.<sup>1</sup>  
 4 Safeco has submitted declarations from a Santa Clara Superior Court proceeding of both Defendant  
 5 Douglas Raisch and Bryan Raisch, partner in the general partnership of R&R Farms.<sup>2</sup> While these  
 6 declarations establish that at least as of August 20, 2012, Douglas Raisch had a 25% partnership  
 7 interest in R&R Farms, it is unclear as to whether said partnership interest was transferable and  
 8 whether Douglas Raisch still holds the interest.<sup>3</sup> Without deciding this issue, the court finds it  
 9 appropriate to impose a charging order on any partnership interest that remains.  
 10

11 Any partnership interest Defendant and judgment debtor Douglas Raisch holds in R&R  
 12 Farms is hereby charged with the unpaid balance of the judgment entered against Douglas Raisch  
 13 in favor of Safeco on November 27, 2012, in the sum of \$298,329.81 plus interest at the rate of  
 14 0.17% per annum calculated from the date of the judgment.<sup>4</sup>  
 15

16 Within 90 days of this order, R&R Farms shall provide to Safeco a written accounting of  
 17 its assets and liabilities, along with sufficient backup documentation, to allow Safeco a meaningful  
 18 opportunity to evaluate the financial strength of the partnership.  
 19  
 20  
 21

22 <sup>1</sup> See *U.S. Fid. & Guar. Co. v. The Scott Companies, Inc.*, Case No. 03-5376SBAEMC, 2008 WL  
 23 728874, at \*1 (N.D. Cal. Mar. 17, 2008).

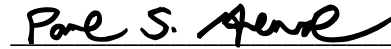
24 <sup>2</sup> See Docket No. 35.

25 <sup>3</sup> See *id.*

26 <sup>4</sup> It is well-established that even in diversity cases, post-judgment interest is determined according  
 27 to federal law. See *Northrop Corp. v. Triad Int'l Mktg., S.A.*, 842 F.2d 1154, 1155 (9th Cir. 1988).  
 28 The postjudgment interest rate therefore is calculated in compliance with 28 U.S.C. § 1961 and the  
 weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of  
 the Federal Reserve system for the week of November 23, 2012, which is the week preceding the  
 judgment.

IT IS SO ORDERED.

Dated: March 20, 2013



PAUL S. GREWAL  
United States Magistrate Judge